



General Assembly

Substitute Bill No. 1158

January Session, 2013



**AN ACT CONCERNING VICTIMS OF SEXUAL EXPLOITATION AND
HUMAN TRAFFICKING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-36p of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) The following property shall be subject to forfeiture to the state
4 pursuant to subsection (b) of this section:

5 (1) All moneys used, or intended for use, in a violation of
6 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-
7 87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b₂ [or] 53a-
8 196c or 53a-196i;

9 (2) All property constituting the proceeds obtained, directly or
10 indirectly, from a violation of subdivision (3) of subsection (a) of
11 section 53-21 or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b,
12 53a-192a, 53a-196a, 53a-196b₂ [or] 53a-196c or 53a-196i;

13 (3) All property derived from the proceeds obtained, directly or
14 indirectly, from any sale or exchange for pecuniary gain from a
15 violation of subdivision (3) of subsection (a) of section 53-21 or section
16 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-
17 196b₂ [or] 53a-196c or 53a-196i;

18 (4) All property used or intended for use, in any manner or part, to
19 commit or facilitate the commission of a violation for pecuniary gain of
20 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-
21 87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, [or] 53a-
22 196c or 53a-196i.

23 (b) Not later than ninety days after the seizure of moneys or
24 property subject to forfeiture pursuant to subsection (a) of this section,
25 in connection with a lawful criminal arrest or a lawful search, the Chief
26 State's Attorney or a deputy chief state's attorney, state's attorney or
27 assistant or deputy assistant state's attorney may petition the court in
28 the nature of a proceeding in rem to order forfeiture of such moneys or
29 property. Such proceeding shall be deemed a civil suit in equity in
30 which the state shall have the burden of proving all material facts by
31 clear and convincing evidence. The court shall identify the owner of
32 such moneys or property and any other person as appears to have an
33 interest therein, and order the state to give notice to such owner and
34 any interested person, including any victim of the crime with respect
35 to which such moneys or property were seized, by certified or
36 registered mail. The court shall promptly, but not less than two weeks
37 after such notice, hold a hearing on the petition. No testimony offered
38 or evidence produced by such owner or interested person at such
39 hearing and no evidence discovered as a result of or otherwise derived
40 from such testimony or evidence may be used against such owner or
41 interested person in any proceeding, except that no such owner or
42 interested person shall be immune from prosecution for perjury or
43 contempt committed while giving such testimony or producing such
44 evidence. At such hearing, the court shall hear evidence and make
45 findings of fact and enter conclusions of law and shall issue a final
46 order from which the parties shall have such right of appeal as from a
47 decree in equity.

48 (c) No moneys or property shall be forfeited under this section to
49 the extent of the interest of an owner or lienholder by reason of any act
50 or omission committed by another person if such owner or lienholder

51 did not know and could not have reasonably known that such moneys
52 or property was being used or was intended to be used in, or was
53 derived from, criminal activity.

54 (d) Notwithstanding the provisions of subsection (a) of this section,
55 no moneys or property used or intended to be used by the owner
56 thereof to pay legitimate attorney's fees in connection with his or her
57 defense in a criminal prosecution shall be subject to forfeiture under
58 this section.

59 (e) Any property ordered forfeited pursuant to subsection (b) of this
60 section shall be sold at public auction conducted by the Commissioner
61 of Administrative Services or the commissioner's designee.

62 (f) The proceeds from any sale of property under subsection (e) of
63 this section and any moneys forfeited under this section shall be
64 applied: (1) To payment of the balance due on any lien preserved by
65 the court in the forfeiture proceedings; (2) to payment of any costs
66 incurred for the storage, maintenance, security and forfeiture of any
67 such property; and (3) to payment of court costs. The balance, if any,
68 shall be deposited in the [General Fund] Criminal Injuries
69 Compensation Fund established in section 54-215.

70 Sec. 2. Section 54-222 of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective October 1, 2013*):

72 (a) The Office of the Chief Court Administrator shall develop a
73 concise, bilingual card or brochure concerning information to victims
74 of crime concerning their rights as victims and any services available to
75 them. The Office of Victim Services shall distribute such cards or
76 brochures to municipalities and the state police who shall distribute
77 such cards or brochures to crime victims.

78 (b) The Office of the Chief Court Administrator shall develop a
79 concise, bilingual notice concerning services available to victims of
80 human trafficking. Such notice shall indicate that any person who is
81 forced to engage in any activity and who cannot leave may contact a

82 state or federal anti-trafficking hotline, and shall indicate the toll-free
83 telephone numbers for such hotlines. The office shall make copies of
84 such notice available to persons who are required to post such notice
85 pursuant to section 3 of this act.

86 Sec. 3. (NEW) (*Effective October 1, 2013*) (a) On and after the date a
87 notice is developed and made available pursuant to subsection (b) of
88 section 54-222 of the general statutes, as amended by this act, each
89 truck stop and each person who holds an on-premises consumption
90 permit for the retail sale of alcoholic liquor pursuant to title 30 of the
91 general statutes shall post the notice in plain view in a conspicuous
92 location where sales are to be carried on. For the purposes of this
93 section, "truck stop" means a privately-owned and operated facility
94 where food, fuel, lawful overnight truck parking and shower and
95 laundry facilities are offered.

96 (b) The provisions of subsection (a) of this section shall not apply to
97 any person who holds an on-premises consumption permit for the
98 retail sale of alcoholic liquor pursuant to title 30 of the general statutes
99 that consists of only one or more of the following: (1) A caterer,
100 railroad, boat, airline, military, charitable organization, special club,
101 temporary liquor or temporary beer permit, (2) a restaurant permit,
102 restaurant permit for beer, restaurant permit for wine and beer or cafe
103 permit, or (3) a manufacturer permit for a farm winery, a manufacturer
104 permit for beer, manufacturer permits for beer and brew pubs, or any
105 other manufacturer permit issued under title 30 of the general statutes.

106 Sec. 4. (*Effective from passage*) The Office of Victim Services shall
107 conduct an analysis of the compensation and restitution services
108 provided to victims of sexual exploitation and human trafficking
109 under sections 54-201 to 54-235, inclusive, of the general statutes, and
110 shall determine whether amendments to said sections may be enacted
111 to enhance such compensation and services in order to address the
112 needs of such victims. Not later than January 15, 2014, the office shall
113 submit a report, in accordance with section 11-4a of the general
114 statutes, on its analysis and recommended amendments to the general

115 statutes to the joint standing committee of the General Assembly
116 having cognizance of matters relating to the judiciary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	54-36p
Sec. 2	<i>October 1, 2013</i>	54-222
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*